

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 1
ABSTRACTERS OF TITLE

54-101. ABSTRACTERS TO GIVE BOND. It shall be a misdemeanor for any person or persons to engage in the business of compiling abstracts of title to real estate in the state of Idaho, and demand and receive pay for the same, without first filing in the office of the county recorder of the county in which such business is conducted, a surety bond to the state of Idaho, in the penal sum of \$10,000, with a surety company authorized to do such business in Idaho as security conditioned for the payment by such abstracters of any or all damages that may accrue to any party or parties, by reason of any error, deficiency or mistake in any abstract or certificate of title, made and issued by such person or persons.

[(54-101) 1897, p. 92, sec. 1; reen. 1899, p. 314, sec. 1; am. 1909, p. 456, sec. 1; reen. R.C. & C.L., sec. 1411; C.S., sec. 2262; I.C.A., sec. 53-101; am. 1939, ch. 148, sec. 1, p. 265.]

54-102. CERTIFICATE OF ABTRACTER -- EFFECT. When any abstracter shall have duly filed his bond as above provided, he shall be entitled to receive a certificate from such county recorder that said bond has been by him duly approved and filed for record, which certificate shall be valid so long as such abstracter shall maintain his surety upon the bonds as herein provided for unimpaired, and the possession of such valid certificate at the date of issuance of any abstract, policy of title insurance, or title report, shall entitle such abstract of title, policy of title insurance, or title report to real estate, certified to or countersigned and issued by such abstracter, to be received in all courts as prima facie evidence of the existence of the record of deeds, mortgages and other instruments, conveyances, or liens, affecting the real estate mentioned in such abstract, policy of title insurance, or title report, and that such record is as described in said abstract of title, policy of title insurance or title report.

[(54-102) 1897, p. 92, sec. 3; reen. 1899, p. 314, sec. 3; reen. R.C. & C.L., sec. 1412; C.S., sec. 2263; I.C.A., sec. 53-102; am. 1939, ch. 148, sec. 2, p. 265; am. 1963, ch. 202, sec. 1, p. 591.]

54-103. USE OF ABSTRACT, TITLE INSURANCE POLICY OR TITLE REPORT AS EVIDENCE -- SERVICE OF COPY. Any party to a civil action, who may desire to use in evidence at the trial thereof, any abstract of title, policy of title insurance or title report issued by a duly qualified title insurance company in Idaho, to real estate as herein provided, shall furnish to the opposing party or his attorneys a copy of such abstract, title policy or title report at least three (3) days before the trial of said action, and in case such real estate be not in the county where such trial is to take place, then such copy shall be furnished to the opposing party or his attorney, in time to allow a sufficient number of days for such opposing party to proceed, by the usual route of travel, to the county seat of the county where such real estate may be situated and return to the place of trial, in addition to the three (3) days for preparation above provided for.

[(54-103) 1897, p. 92, sec. 4; reen. 1899, p. 314, sec. 4; am. R.C., sec. 1413; reen. C.L., sec. 1413; C.S., sec. 2264; I.C.A., 53-103; am. 1963, ch. 202, sec. 2, p. 591.]

54-104. DURATION OF BOND -- ADDITIONAL SECURITY. The bond herein provided for may run during the continuance of said person or persons in said abstract business, not to exceed five (5) years, and the district judge of the district where the bond herein provided for may be filed may, at any time upon complaint of any owner of real estate in his county, require such abstractor, upon ten (10) days' notice, to give additional security upon said bond, and show cause why the same should not be declared invalid, and the certificate thereof recalled and annulled, and if within such time the additional security, to be approved by said district judge, be not furnished, and there is no sufficient reason to show to the judge why the same should not be required, the said bond shall be declared invalid, and the certificate thereof recalled and cancelled.

[(54-104) 1897, p. 92, sec. 5; reen. 1899, p. 314, sec. 5; reen. R.C. & C.L., sec. 1414; C.S., sec. 2265; I.C.A., sec. 53-104; am. 1939, ch. 148, sec. 3, p. 265.]

54-105. REGISTER OF ABSTRACTERS -- FEE FOR CERTIFICATE. The county recorder shall be provided with a suitable register, for entering and registering the names of all abstractors who qualify and receive a certificate, and shall be entitled to a fee of two dollars (\$2.00) for each and every certificate so issued.

[(54-105) 1897, p. 92, sec. 2; reen. 1899, p. 314, sec. 2; reen. R.C. & C.L., sec. 1416; C.S., sec. 2267; I.C.A., sec. 53-106; am. 1939, ch. 148, sec. 4, p. 265.]